

1635  
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PATENT

Attorney Docket No.: DIVER 1270-2  
10/27/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jay M. Short

Application No.: 09/089,789

Filed: June 3, 1998

For: CONSTRUCTION AND USE OF  
CATALOGUED NUCLEIC ACID  
LIBRARIES THAT CONTAIN  
ADVANTAGEOUSLY ADJUSTED  
REPRESENTATIONS OF DEFINED  
COMPONENTS

) Group Art Unit: 1635

) Examiner: Sean McGarry

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as enclosed herein  
) are being deposited with the United States Postal Service as first  
) class mail on this date **November 3, 2000**, in an envelope  
) addressed to: Commissioner for Patents, Washington, D.C. 20231

) John Dorsey

) (Name of person mailing paper)

) John Dorsey  
) Signature

\_\_\_\_\_  
Commissioner for Patents  
Washington D.C., 20231

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-unidentified application please find:

1. Response to the Restriction Requirement mailed October 3, 2000; and
2. Return Postcard.

NOV 09 2001

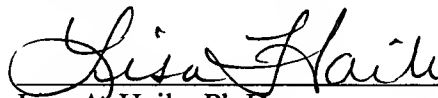
The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	38	132	0	x \$18.00	x \$9.00	\$ .00
Independent Claims	1	3	0	x \$78.00	x \$39.00	\$ .00
Multiple Claims				\$260.00	\$130.00	\$ .00
					TOTAL FEE	\$ .00

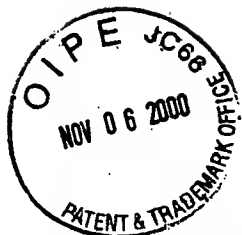
No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date 11/03/00

  
Lisa A. Haile, Ph.D.  
Reg. No. 38,347

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San Diego, California 92121  
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R.T.  
#12/ELECT.  
PATENT  
Attorney Docket No.: DIVER1270-3  
(B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jay M. Short

Application No.: 09/089,789.

Filed: June 3, 1998

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Commissioner for Patents  
Washington D.C., 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement dated October 3, 2000, Applicants submit the following election, and remarks. Accordingly, this Response is being timely filed.

**IN THE CLAIMS:**

Please cancel claims 39-42 without prejudice.

**THE AMENDMENTS**

The present amendment to the claims cancels those claims drawn to non-elected subject matter.

### THE RESTRICTION REQUIREMENT

The above-identified patent application has been examined for restriction purposes only. The Examiner has set forth the following groups:

Group Number	Claims	Subject Matter
I	1-38	Method of forming a catalogued nucleic acid library from an organism sample comprised of a plurality of organism forms, classified in class 435, subclass 6
II	39-42	Nucleic acid library formed from a plurality of organisms, classified in class 536, subclass 23.1

In the Office Action mailed October 3, 2000, the Examiner restricted the claims to four distinct and independent inventions.

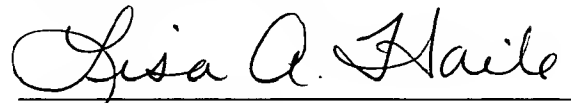
### ELECTION

In Response, Applicants elect, with traverse, the invention of Group I (claims 1-38) drawn to a method of forming a catalogued nucleic acid library from an organism sample comprised of a plurality of organism forms, classified in class 435, subclass 6 respectively.

Please apply any charges not covered, or any credits, to Deposit Account 50-1355.

Respectfully submitted,

Date 11/03/00

  
Lisa A. Haile, Ph.D.  
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